

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

LEONARD J. HIGGINS,

Defendant.

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No. 4:24-CR-00116-DGK

**ORDER ADOPTING THE MAGISTRATE'S REPORT AND RECOMMENDATION**  
**DENYING MOTION TO DISMISS INDICTMENT**

Pending before the Court are Defendant Leonard J. Higgins' Motion to Dismiss Indictment, ECF No. 32, and United States Magistrate Judge Jill Morris' Report and Recommendation recommending the Court deny the motion, ECF No. 44. Defendant did not file any objections to the report, and the time for doing so has passed.

After reviewing the report and conducting an independent review of the applicable law and record, *see* L.R. 74.1(a)(2), the Court agrees with the Magistrate's conclusion that the Indictment does not violate the Second Amendment either on its face or as applied to Defendant, nor is it overbroad. The Court also agrees with the Magistrate's conclusion that Defendant's Fifth Amendment challenge to § 922(g)(1) should be denied.

The Court ADOPTS the Report and Recommendation and DENIES the motion.

**IT IS SO ORDERED.**

Date: October 1, 2024

/s/ Greg Kays

GREG KAYS, JUDGE

UNITED STATES DISTRICT COURT